

**Child Support Advisory Board**  
**MINUTES**  
**October 16, 2003**

**Present**

1<sup>st</sup> District, George Gliaudys, Jr., Esq.  
1<sup>st</sup> District, Jane Preece, Esq.  
2<sup>nd</sup> District, Paula G. Leftwich  
3<sup>rd</sup> District, Lucy T. Eisenberg, Esq.  
3<sup>rd</sup> District, Betty Nordwind, Esq.  
5<sup>th</sup> District, Susan Speir  
5<sup>th</sup> District, Reginald Brass

Earl Bradley  
Chief Information Office,  
Children and Family Services  
Patti Griffin  
Rosie Ruiz, Department of Public  
Social Services  
Child Support Services Department,  
Philip Browning  
Superior Court, David Jetton

**Absent**

2<sup>nd</sup> District, John Murrell  
4<sup>th</sup> District, Jean F. Cohen  
4<sup>th</sup> District, Maria Tortorelli  
  
CA Department of Child Support Services,  
Nancy Stone  
Franchise Tax Board, Debbie Strong

**Guests**

Lori Cruz, CSSD  
Julie Paik, CSSD  
Wayne Doss, CSSD

Carol Mentell, CSSD  
Lawrence Hill, SEIU Local 660

**Staff Support**

Lee Millen, Board of Supervisors  
Peter Papadakis, Board of Supervisors

**CALL TO ORDER**

*Chairperson Eisenberg* called the meeting to order at 9:35 a.m.

**APPROVE MINUTES OF SEPTEMBER 25, 2003**

On motion of Member Speir, seconded by Member Browning and unanimously carried, the minutes of September 25, 2003 were approved.

**DIRECTOR'S REPORT:**

*Philip Browning, Director, CSSD*, reported the following:

- The CSSD has met the minimum federal performance standard for Paternity Establishment, Court Order Establishment and Arrears Collections; improvements have been made on Current Collection Support; for the last 3-5 years Los Angeles County has been at 30%-33% for current support, but due to intensive work by staff current support is now at 37.3%; last year the priority was the ARS/Consortium issue, and this year the priority has been current support;
- For the past three months current support has been at over 40%. The receivables for Current Support in October 2002 totaled \$62.8 million and \$51.7 million in September 2003; on an annual basis, this would drop the denominator by \$120 million. CSSD collections were up this year to \$490 million, and collections has jumped \$65 million over the past two years; a much better performance is expected next year;
- A new CSI plan will continue on a limited basis; last year staff worked on 200 thousand cases and modified 30 thousand orders;
- Staff will assist next year at a National Child Support Association conference in Palm Springs;
- Staff participated in a telethon at KMEX, a Spanish language television station; 35-40 staff handled about 50 thousand calls; staff has been invited by another television station to participate in a similar telethon;
- Staff participated in a "Disability Mentoring Day" yesterday;
- Recently approved legislation has created an Allocation Committee comprised of CSSD County Directors, including advocates, union members, legislators, Department of Finance and the LAO; Member Nordwind has also been named to the Committee;
- The Board of Supervisors has instructed the County lobbyists to obtain more equity in state funding; data reflects that those counties that receive more funding perform better;
- Terminated all contracts for temporary staff, laid off 109 permanent staff, and attorneys agreed to take a voluntary furlough this year to avoid lay offs;
- The organizational chart reflects staff changes, including less criminal prosecutors; CSSD is not required to prosecute and it has been found to be less cost effective in current support efforts;

Lori Cruz, Deputy Director, reported that some staff are temporarily assigned to the Divisions, however, CSI staff have returned to the Call Center. Chairperson Eisenberg requested a comparison of the case load of criminal prosecution cases last year and this year; it was agreed that staff will report back in December on how staff cuts are affecting the PT270 Division.

- The DCSS has not implemented a Phase II as yet.

### **PUBLIC COMMENT**

Chairperson Eisenberg noted that advance notice will be given to CSSD when a member of the public has requested time to present his/her case.

Tamara Murray, CP, reported on her individual case noting that she has four children, with one NCP having been deported and the other NCP currently employed earning \$35 per hour. The CSSD staff advised her that the deported NCP can not be forced to pay child support and the employed NCP is an independent contractor, therefore collection will be difficult. The CSSD has forwarded her \$53 in child support collected from May 2003-June 2003, and in July 2002 about \$15 thousand in child support was collected; however, Ms. Murray was receiving welfare so no monies were distributed to her. Ms. Murray requested criminal prosecution of this case.

Ms. Murray filed for a state hearing regarding the \$15 thousand dollars collected which was scheduled four month later. On the day of the hearing she was advised that the commissioner was out that day and a phone conference was possible. She declined so was told her hearing would be rescheduled. However, she received a notice two weeks later that the hearing had been held in her absence and the action was upheld.

Member Browning advised that the CSSD has a contract with the Franchise Tax Board to collect arrears on requested cases, and if a CP is on public welfare collections received would be distributed to the state and the county. Ms. Cruz noted that a current audit on the case for child support arrears has been completed, staff did contact the FTB to levy the NCP's bank account, and it was levied on September 17, 2003. Also, case notes do not reflect a referral received on the second child in question, the NCP was interviewed on June 5, 2001 with respect to his son, and he declined to stipulate. A court hearing was rescheduled from September 24, 2001 to November 7, 2001, a judgment was received for her son in the amount of \$832 per month, a welfare reimbursement amount was established in the amount of \$656, and her daughter's case was modified to \$499 per month. Further, on May 2, 2002 the parties were in court and current support was modified for both children to \$250 per month and a payment arrangement of arrears was agreed to. In June 2002 a lien was received in the amount of \$8 thousand, and on July 3, 2002 it was determined that Ms. Murray had abandoned her complaint.

In response to Chairperson Eisenberg, Ms. Cruz noted that she and the Ombudsman/Division can meet today with Ms. Murray on her case. Ms. Cruz reported that based on the case information, a correct distribution of support was made and since March 2000 over \$21 thousand has been collected. Ms. Cruz agreed that an audit by DPSS on Ms. Murray's case would be helpful.

Following further discussion, Ms. Cruz agreed to provide the CSAB with copies of her notes and a summary of this case at next month's meeting. Chairperson Eisenberg noted that the CSAB is interested in knowing whether the procedures were properly followed and whether the CP understood the process. In response to Vice Chair Speir, Ms. Cruz agreed to provide a written report at the next CSAB meeting.

Chairperson Eisenberg thanked Ms. Murray for her presentation.

### **DCSS UPDATE**

Chairperson Eisenberg reported that Nancy Stone, DCSS, is absent due to illness and will present a report at the next CSAB meeting.

### **REVIEW AND DISCUSS MONTHLY REPORTS/PERFORMANCE MEASURES**

Chairperson Eisenberg requested the most recent CS157 report in next month's monthly report. Gail Juiliano can review the MCC/MCI log at the next CSAB meeting to determine whether the CSAB should continue to receive this data.

### **REPORT ON STATUS OF TARGETED REDESIGN OF BUSINESS PROCESSES**

Member Browning reported that CSSD met with the DCSS regarding a draft targeted redesign; however, there are some questions regarding the proposed Division and the staff suggested. Also, the DCSS would like to approve the plan prior to making it available to the CSAB. In the interim, staff continues to meet with the CAO's office regarding this issue pending agreement on the Plan by DCSS and CSSD. Further, there is a disagreement on how to proceed in that the DCSS would like to have about two months of work in progress prior to meeting with interested parties. A national model does not exist however other counties including Orange County have been mentioned as possible contacts to implement a targeted redesign.

Chairperson Eisenberg noted that she will contact Nancy Stone for a copy of the proposed draft for the next CSAB meeting.

### **SERVICE PROCESS: REPORT ON THE CORRELATION BETWEEN SUB-SERVICE AND DEFAULT**

This item was rescheduled to the January 2004 meeting.

### **DISCUSS DEPARTMENT POLICY REGARDING NOTICE TO APPLICANT WHEN CHILD IS UNBORN AT TIME OF APPLICATION**

Vice Chair Speir reported that she and Chairperson Eisenberg reviewed an unborn case earlier this year wherein they discovered that the case was two years old. CSSD staff advised that policy requires that the case not be opened due to the lack of a child's name and birth date, although the case was on file prior to implementation of said policy. Further, staff declined to generate a one-time list of cases where the child is unborn and is over ten months old, and identify how many cases are missing the required data. The purpose of the list would be to capture the retroactive cases where data was not received and to determine if the policy is effective.

A second case involved a non-welfare CP that was pregnant on May 2003 and completed forms to serve the NCP that was soon to leave to Mexico. Following conversations with the Call Center staff she was interviewed at the Torrance office and advised that due to CSSD policy her case would not be opened until her child was born and no other recourse was available. However, when the CP expressed her anger over

the fact that she had never been informed by the Call Center staff regarding this policy, the interviewer advised her regarding the ability to initiate a family law case and was directed to Vice Chair Speir's office. Wayne Doss advised that an unborn case is opened, however, policy requires that the S&C not be generated until the child is born.

Chairperson Eisenberg explained that the CSSD declined to implement a letter to better inform applicants. Mr. Doss noted that an additional letter off ARS at the time of case opening prior to the expected birth of a child would require approval of the Consortium. Chairperson Eisenberg recommended that staff training on unborn cases be initiated. Further, that Mr. Doss provide Vice Chair Speir with the packet that is given to applicants, and that Ms. Cruz inquire whether IT can generate a retroactive audit on unborn cases prior to November 2001 and if the process is manual or automatic.

**REPORT ON DEPARTMENT POLICY REGARDING SIGNING OF STIPULATIONS  
(and backlog of cases where only the NCP has signed)**

Vice Chair Speir reported that CSSD staff has processed stipulations with only the NCP signature and hundreds of unsigned stipulations had been rejected and returned to the Division.

Ms. Cruz advised that four Judicial Officers are refusing to sign and enforce the stipulations that contain only the NCP signature. Staff recently discussed this procedure with the court and Judge Bobb indicated that this was an ex-party case and as such put all discussions on the matter on hold. Also, the state's legal counsel has been contacted to resolve the issue for the courts and it was agreed that a simple agreement could be obtained by the parties; however, the process would necessitate entering data into the system as if it were a court order and would result in negative credit reports if the NCP failed to abide by the agreement.

Following discussion, Ms. Cruz indicated that the DCSS is not in agreement in filing a writ against the court and staff is attempting to resolve this issue. Chairperson Eisenberg requested a status report in December 2003.

**FOLLOW-UP ON MCCRAY: REPORT ON DEPARTMENT'S POLICY REGARDING  
COMPROMISE OF ARREARS BY NON-WELFARE CP**

Wayne Doss, Chief, Policy Division, CSSD, distributed a written report (copy on file) and briefly reported on CSSD policy concerning compromise of arrears by a non-welfare CP. This policy ensures that the CSSD does not become an unwitting participant to agreements borne of duress wherein the court authorized child support for the dependent and not the adult is compromised. Staff has no reliable way to know or discover whether a custodial party's request to waive arrears is freely made or whether it is the product of fear. However, assistance is given when there is a dispute regarding payments made. Further, the County of Orange and San Diego concur with this policy and the DCSS has a policy for waiver of arrears on welfare cases only.

Vice Chair Speir reported that the McCray issue arose in that an auditor chose to follow policy and another chose to abide by the waiver, and the caseworker had not obtained a

complete affidavit. Following discussion, Mr. Doss reported that staff training on this policy will be provided and he will report back on the lack of case numbers on affidavits.

### **FOLLOW-UP ON CAROLYN JACKSON CASE**

Carol Mentell, Ombudsman, reported that while there were delays in processing the case for UIFSA action, the CSSD file was never lost and staff executed a UIFSA action based on the NCP's verified address. An eight month delay in the case processing was due to an unavailable superior court file and the failure to effectively track the request for court documents and CP affidavits. A process is now in place to monitor and follow-up on similar cases. Ms. Mentell reviewed the case synopsis and indicated the following:

- The case met criteria and was transferred to the Interstate Unit on August 2000, and on August 2001 it was determined that updated affidavits were required before UIFSA could be initiated;
- The UIFSA transmittal was prepared and forwarded to Texas on May 2002, staff requested a status update on August 2002, and CSSD was advised on September 2003 that the case is not enforceable and the RFO will be filed; and
- On October 15, 2003, Texas advised that the RFO is prepared and processed for mailing to court.

Following further discussion, Vice Chair Speir agreed to follow-up on this case and report back to the CSAB.

### **COMMITTEE REPORTS:**

#### **Wage Assignment Committee**

Vice Chair Speir reported that the Committee met yesterday and is focusing on why CSSD is not receiving information on NCP employers. Looking at conversion order problem when a family law case is initiated. Co-locate staff has written procedures in place and the Committee is reviewing the co-locate check list for recommended changes. In the instances of a family law case, the co-locate staff needs to inform the CP that obtaining a certified copy of the court order will speed up their case. Two Divisions were identified that had not obtained in-county court orders during a four to six month period; the Committee recommends that CSSD policy be changed to include a provision that if within 45 days an in-county court order has not been obtained that the staff should go to court for that court order.

Lisa Garrett, CSSD, suggested that the check list could be included when the DPSS sends an appointment letter to the CP and/or when the client applies for welfare. Also, the DPSS/CSSD workgroup is discussing how to improve the process in obtaining a court order. Ms. Garrett agreed to report back next month on whether a new policy is to be adopted.

Also, the Committee is reviewing the problem of ARS not stopping a wage assignment once an NCP's arrears has been paid, and on the belief that criminal prosecution follows to not call an employer regarding a wage assignment although staff are tasked to contact

the employer. Ms. Garrett advised that staff contacts the NCP as a follow-up. The Committee will pursue this issue and seek clarification on the CSSD policy.

#### CUSTOMER SERVICE COMMITTEE

Member Nordwind reported that the State Hearing Division originally had five hearing specialists, lost one specialist and two attorneys have been transferred to criminal prosecution. The DCSS has stated that the county's appeals and hearings are not well researched or handled. This is a management issue that needs to address the need for a stable work force to handle hearings.

There has been a steady backlog of 1000 cases, of which there are 400 non-interstate cases. About 200 non-interstate cases have been completed and the balance are expected to be completed by the end of the year. Because the interstate cases are worked manually more staff are needed to resolve backlogs. Also, the Call Center staffing levels has dropped and the workforce has been destabilized by the issue of impending layoffs. Member Browning noted that a real concern exists that if the budget shortfall is not addressed more layoffs are possible.

Further, the Committee is reviewing whether the Call Center staff make enough referrals to the Ombudsman Office, whether the Division follows-up on Call Center referrals, and a future study will include mail/correspondence and its process. Member Nordwind thanked Ms. Mentell, Ms. Tzimoulis and Mr. DeGracio for their cooperation with the Committee's efforts.

Member Preece noted that the DCSS does not publish state hearing decisions which would be instrumental in identify systemic issues. Chairperson Eisenberg recommended that staff report back on this issue at the next CSAB meeting.

#### ADJOURNMENT

The meeting adjourned at 12:13 p.m.